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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS HEALTH AND WELFARE
TRUST; THE BOARD OF TRUSTEES OF
THE CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST;
THE BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS VACATION TRUST; and
THE BOARD OF TRUSTEES OF THE
SOUTHERN NEVADA LABORERS
LOCAL 872 TRAINING TRUST,

Plaintiffs,

vs.

WILDHORSE INVESTMENTS, INC. dba
BLACK CANYON CONSTRUCTION, a
Nevada corporation; WESTERN
NATIONAL MUTUAL INSURANCE
COMPANY, a Minnesota corporation,

Defendants.

Case No. 2:23-cv-01122-APG-MDC

**PROPOSED AMENDED SCHEDULING
ORDER**

Plaintiffs, the Boards of Trustees of the Construction Industry and Laborers Health and Welfare Trust, the Construction Industry and Laborers Joint Pension Trust, the Construction Industry and Laborers Vacation Trust, the Southern Nevada Laborers Local 872 Training Trust (“Trust Funds” or “Plaintiffs”), by and through their counsel of record, submit the following

Proposed Amended Discovery Plan and Scheduling Order (the "Proposed Order").¹ The Trust Funds submit the Proposed Order, given this Court's order that discovery was stayed 60 days until May 24, 2024. Given this stay, the Trust Funds respectfully request that the Court memorializes the new discovery deadlines, accounting for the stay.

The current discovery deadlines are as follows:

- **Discovery Cut-Off Date:** August 2, 2024
- **Expert Report Deadline:** June 3, 2024
- **Rebuttal Expert Report Deadline:** July 3, 2024
- **Dispositive Motions Deadline:** September 2, 2024
- **Pretrial Order:** October 1, 2024

Dated: June 12, 2024

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Christopher M. Humes

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O R D E R

IT IS SO ORDERED. Under LR 7-2(d), the failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion. No one filed an opposition and the time to do so has passed. The opposing party has thus consented.

 UNITED STATES DISTRICT / MAGISTRATE JUDGE

DATED: 7-2-24

¹ The Trust Funds' counsel tried multiple times to contact Defendant's counsel in an effort to jointly present this proposed discovery schedule and order, but none of his communications were responded to by opposing counsel.

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP and that on June 13, 2024, I served a true copy of the foregoing **PROPOSED AMENDED SCHEDULING ORDER** via the Court's CM/ECF System and upon:

Malani L. Kotchka, Esq.
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mlk@malanilkotchka.com

*Attorney for Defendant Wildhorse
Investments, Inc. dba Black Canyon
Construction*

☒ **via U.S. MAIL upon**

Western National Mutual Insurance Company
c/o Nevada Division of Insurance
1818 E. College Parkway, Suite 103
Carson City, Nevada 89706
legal@doi.nv.gov

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Ebony Davis

An employee of Brownstein Hyatt Farber Schreck, LLP

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